

South Australia



**SOUTH AUSTRALIAN COUNTRY ARTS TRUST (REVIEW)
AMENDMENT ACT 1995**

No. 78 of 1995

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Revision of Penalties



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ELIZABETHAE II REGINAE

A.D. 1995

No. 78 of 1995

An Act to amend the South Australian Country Arts Trust Act 1992.

[Assented to 23 November 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *South Australian Country Arts Trust (Review) Amendment Act 1995*.

(2) The *South Australian Country Arts Trust Act 1992* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 5—Membership of Trust

3. Section 5 of the principal Act is amended by striking out subsections (1), (2) and (3) and substituting the following subsections:

(1) The Trust is to consist of nine trustees appointed by the Minister, of whom—

- (a) one will be appointed by the Minister to be the presiding trustee of the Trust; and
- (b) four will be the presiding members of the Country Arts Boards (*ex officio*); and
- (c) one will be a person nominated by the Local Government Association of South Australia; and
- (d) three will be persons who together will provide business, entrepreneurial and arts skills.

(2) At least two trustees must be women and at least two trustees must be men.

(3) The Minister may, on such terms and conditions as the Minister thinks fit, appoint a suitable person to be the proxy of a member of the Trust appointed under subsection (1)(a) or (d).

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(3a) Each presiding member of a Country Arts Board will have as his or her proxy another member of the Board nominated by the Board for the purposes of this section.

Amendment of s. 6—Terms and conditions of office

4. Section 6 of the principal Act is amended—

- (a) by inserting "(other than a trustee who holds office *ex officio*)" after "A trustee" in subsection (1);
- (b) by striking out paragraph (d) of subsection (5) and substituting the following paragraph:
 - (d) being a trustee appointed by virtue of holding office as the presiding member of a Country Arts Board, ceases to hold that office;;
- (c) by inserting "(other than a trustee who holds office *ex officio*)" after "A trustee" in subsection (7).

Amendment of s. 7—Procedures of Trust

5. Section 7 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A quorum of the Trust consists of five members, and no business may be transacted at a meeting of the Trust unless a quorum is present.

Amendment of s. 20—Establishment of Country Arts Boards

6. Section 20 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The following Country Arts Boards are established:

*Central Country Arts Board
Riverland/Mallee Country Arts Board
South East Country Arts Board
Western Country Arts Board.*

Amendment of s. 21—Membership of Country Arts Boards

7. Section 21 of the principal Act is amended—

- (a) by inserting "not less than five and not more than" after "is to consist of" in subsection (1);
- (b) by inserting "between three and" at the beginning of paragraph (c) of subsection (1);
- (c) by inserting after subsection (1) the following subsection:

(1a) The Minister will from time to time determine the number of persons to be nominated under subsection (1)(c).;

(d) by striking out subsection (3) and substituting the following subsection:

(3) At least two members of each Country Arts Board must be women and at least two members must be men.

Amendment of s. 27—Delegation

8. Section 27 of the principal Act is amended by inserting ", with the approval of the Trust," after "A Country Arts Board may" in subsection (1).

Penalties

9. The principal Act is further amended in the manner set out in the schedule.

Transitional provisions

10. (1) In this section—

"former Board" means a Country Arts Board in existence immediately before the commencement of section 6 of this Act (and so abolished by this Act).

(2) A member of a former Board ceases to hold office on the commencement of this section.

(3) However, despite subsection (2) and the provisions of the principal Act (as amended by this Act), the Minister may, on the commencement of this section, appoint a person who was a member of a former Board by virtue of a nomination under section 21(1)(c) of the principal Act as a member of a Country Arts Board established by amendment to the principal Act by this Act as if the person had been renominated after the commencement of this Act.

(4) The Governor may, by proclamation, vest assets, rights or liabilities (whether vested or contingent) of a former Board in a Country Arts Board established by amendment to the principal Act by this Act.

(5) The Governor may, by further proclamation, if it appears necessary or appropriate to do so, vary a proclamation under subsection (4) (and a proclamation under this subsection will, if the proclamation so provides, be taken to have had effect from the making of the original proclamation under subsection (4)).

(6) The Registrar-General or another authority required or authorised under a law of the State to register or record transactions affecting assets, rights or liabilities, or documents relating to such transactions, must, on application under this section, register or record in an appropriate manner a vesting under this section.

(7) The Governor may, by proclamation, make other provisions of a saving or transitional nature consequent on the enactment of this Act.

SCHEDULE
Revision of Penalties

Provision Amended	How Amended
Section 8(1)	Strike out the penalty at the foot of this subsection and substitute the following: Maximum penalty: \$5 000 or imprisonment for one year.
Section 24(1)	Strike out the penalty at the foot of this subsection and substitute the following: Maximum penalty: \$5 000 or imprisonment for one year.
Section 30(2)(d)	Strike out from this paragraph "a division 7 fine" and substitute "\$2 500"

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor